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DONALD E. CROSS (1923-1986)

206715

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Public Record

November 25, 2002

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001



Re: Finance Docket No. 34276  
Massachusetts Port Authority - Acquisition  
Certain Assets of Boston and Maine Corporation

Dear Secretary Williams:

On November 5, 2002 the Massachusetts Port Authority ("Massport") filed a Verified Notice of Exemption concerning acquisition of certain assets of Boston and Maine Corporation ("B&M") together with a Motion to Dismiss the Notice for lack of jurisdiction based on Maine, DOT - Acq. Exemption - Maine Central R. Co., 8 I.C.C. nd. 835 (1991).

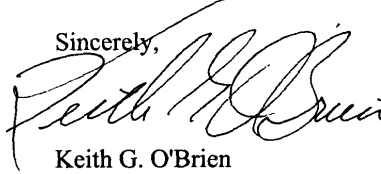
Attached as Exhibit A to the Motion to Dismiss was a Proposed Deed and Easement which set forth the terms of the operating easement that would be retained by B&M. Because the recording authority required certain changes in the proposed deed I am enclosing 10 copies of the instrument that was executed and recorded after the Notice of Exemption became effective. As will readily be seen the executed deed makes no changes in the retention by B&M of a rail service easement and the exclusive right and obligation to operate, use, repair, renew and maintain the rail facilities.

Hon. Vernon A. Williams  
November 25, 2002  
Page Two

We respectfully request that the copies of the executed deed attached hereto be associated with pending Motion to Dismiss for appropriate consideration.

The Massport looks forward to the Board's determination in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith G. O'Brien", is written over the word "Sincerely,".

Keith G. O'Brien  
Counsel for:  
Massachusetts Port Authority

cc: Nutter, McClennen & Fish, LLP



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Office of Proceedings  
NOV 25 2002

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Public Record

P-3228(3)

Deed

The **BOSTON AND MAINE CORPORATION**, a corporation duly organized and existing under the laws of the State of Delaware, with offices at Iron Horse Park, North Billerica, Middlesex County, Massachusetts, (the "Grantor") in consideration of Four Million Two Hundred Thousand Dollars (\$4,200,000) paid to it in two installments by the **MASSACHUSETTS PORT AUTHORITY**, a body corporate and politic organized and existing pursuant to Chapter 465 of the Acts of 1956 of the Commonwealth of Massachusetts, as amended (the "Grantee"), and other good and valuable consideration, hereby **GRANTS** and **RELEASES** to the Grantee all of Grantor's right, title and interest, in and to those certain parcels of land containing 221,496 square feet of land, located in the City of Boston and/or Charlestown, County of Suffolk, Commonwealth of Massachusetts as shown on a plan of land entitled "ALTA / ASCM Land Title Survey in Boston, MA (Charlestown), Suffolk County", dated May 12, 2002, and prepared by Bryant Associates, Inc., and more fully described in Exhibit A attached hereto, together with any right, title and interest Grantor may have in any land underlying the Rail Facilities as hereinafter defined, comprising the Mystic Wharf Branch (the "Premises") with all railroad tracks, rails, ties, connections, switches, ballast or related equipment, above-ground and underground structures, including but not limited to bridges, crossings, culverts, drainage facilities, fences, poles, and all fixtures, personal property and improvements thereon and as are associated with and are a part of the Mystic Wharf Branch Line and all of Grantor's right, title and interest in and to sewer pipes, electrical and telephone poles and/or wires, fibers and fiber optic cables, located in on or under the Mystic Wharf Branch Line as more fully described on Exhibit B attached hereto (the "Rail Facilities") and all of Grantor's right, title and interest in all intangible assets of any nature relating to the land, including, without limitation, all licenses, approvals and permits.

The Grantor retains no rights in and to any portion of the Premises, except the following reservations, conditions, covenants and agreements:

1. This conveyance is made without granting any right of way, either by necessity or otherwise, over any other land or location of the Grantor.
2. Whenever used in this deed, the term "Grantor" shall not only refer to the **BOSTON AND MAINE CORPORATION** but also its successors, assigns and affiliates, and the term "Grantee" shall not only refer to the above-named Grantee, but also the Grantee's successors, assigns and grantees, as the case maybe.
3. Grantor hereby represents and warrants that the rail line located on the Premises has not been "abandoned" as that term is defined in applicable federal and state law and regulations.
4. The several exceptions, reservations, conditions, covenants and agreements contained in this deed shall be deemed to run with the land and be binding upon the Grantee forever. In addition to the acceptance and recording of this Deed,

the Grantee hereby signifies assent to the said several exceptions, reservations, conditions, covenants and agreements, by joining in its execution.

5. Grantor reserves unto itself and its successors the exclusive right and obligation as a common carrier to operate, use, repair, replace, renew and maintain the Rail Facilities under applicable federal and state law and regulation (the "Allowed Uses") over the Rail Facilities and that portion of the land under the Rail Facilities as are occupied by the Rail Facilities (the "Easement Area"). Grantor shall retain and have all rights and all obligations on the Easement Area as are imposed on rail corporations providing rail services as "common carriers" under applicable state and federal law and regulation. Grantor shall have the right to pass and repass over the portions of the Grantee's land not included in the Easement Area for the purposes of accessing the Easement Area and of exercising its rights and obligations on the Easement Area (the "Common Carrier Easement").

Grantor shall be solely responsible for performing at its sole cost and expense any and all obligations imposed on Grantor hereunder and imposed on common carriers under applicable state and federal law and regulation, including but not limited to the provisions of rail service. Grantor shall perform maintenance of the ROW and the Rail Facilities at its sole cost and expense for a period not to exceed the longer of (i) the period from the date hereof until such time as rail service on the Easement Area is discontinued, or (ii) one (1) year from and after the date hereof. Thereafter, Grantor shall be solely responsible for performing and providing all service and maintenance of the ROW and the Rail Facilities as required by applicable law, and shall receive reimbursement therefor from Grantee in an amount equal to Grantor's actual, documented out-of-pocket expenses, incurred in performing said maintenance in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000) per year. In the event that a third party requests authority to construct, maintain and/or upgrade a public at grade crossing to be located at a previously public or private ways from any public agency of competent jurisdiction and federal, state and/or municipal funding adequate to fund such construction, maintenance and/or upgrade is not available, Grantor and Grantee shall together oppose any such request, including the filing of any appeals. If Grantor and Grantee are unsuccessful in their opposition to such a request, Grantor shall be solely responsible for any and all costs apportioned to Grantor or Grantee for the construction, maintenance and/or upgrade of such at grade crossing. Grantor hereby represents and warrants to Grantee that, as of the date hereof, to the best of its information and belief based on Grantor's experience as a common carrier on the Premises and other rail lines throughout the New England area, no capital expenditures costing in excess of \$10,000 shall be required within the next five years on the railroad bridge crossing Rutherford Avenue and State Route 99.

Grantor and Grantee shall negotiate in good faith regarding apportionment for the cost of all capital work associated with the Rail Facilities. This section shall not impose any obligations upon Grantor with regard to the cost of construction and/or maintenance of a Haul Road/Rail Corridor and/or non-rail uses of the Properties and/or Rail Facilities.

Grantee shall have the right to use the Easement Area for any other purpose, including but not limited to the construction of a road for freight handling purposes and/or the installation use and/or maintenance of utility lines, wires, pipes and conduits and to receive income from such purposes, provided such purposes do not prevent or interfere with provision of rail services by Grantor hereunder.

Grantor shall indemnify and hold Grantee harmless from and against any and all losses, claims, damages, actions, suits, liabilities and expenses (including, without limitation, costs of investigation, disbursements and attorneys' fees) that may arise out of or in connection with Grantor's willful or negligent acts or omissions in connection with the Allowed Uses and/or Grantor's passing and repassing over the Premises to access the Easement Area.

This Easement shall not be assignable by Grantor without Grantee's prior written approval.

IN WITNESS WHEREOF, the said BOSTON AND MAINE CORPORATION and the MASSACHUSETTS PORT AUTHORITY has caused this Deed and Easement to be executed under seal in its name and its corporate seal to be hereto affixed by Roland Theriault, Vice President, and Michael A. Grieco, Assistant Secretary-Treasurer, respectively thereunto duly authorized this 13 day of November, 2002.

**GRANTOR:**  
**BOSTON AND MAINE CORPORATION**

Debbie M. Daley  
Witness

By: Roland Theriault  
Roland Theriault, Vice President

**GRANTEE:**  
**MASSACHUSETTS PORT AUTHORITY**

Michael A. Grieco  
Witness

By: Michael A. Grieco  
Michael A. Grieco, Assistant Secretary  
Treasurer

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK  
Middlesex, ss.

11-15-, 2002

Then personally appeared the above-named Roland Theriault, Vice President of the **BOSTON AND MAINE CORPORATION** and acknowledged the foregoing deed to be his free act and deed and the free act and deed of said **BOSTON AND MAINE CORPORATION**, before me.

Joanne M. Eydenberg  
Notary Public  
My Commission Expires: 6-25-04

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

11-15-, 2002

Then personally appeared the above Michael A. Grieco, Assistant Secretary-Treasurer of the **MASSACHUSETTS PORT AUTHORITY** and acknowledged the foregoing release deed to be his/her free act and deed and the free act and deed of said **MASSACHUSETTS PORT AUTHORITY**, before me.

Joanne M. Eydenberg  
Notary Public  
My Commission Expires: 6-25-04

*EXHIBIT A*

Legal Description

PARCEL A

THE LAND WITH THE IMPROVEMENTS THEREON IN BOSTON, SUFFOLK COUNTY, MASSACHUSETTS BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY SIDELINE OF THE BOSTON AND MAINE RAILROAD, MYSTIC BRANCH AND THE WESTERLY SIDELINE OF RUTHERFORD AVENUE, SAID INTERSECTION BEING THE POINT OF BEGINNING;

THENCE ALONG SAID RUTHERFORD AVENUE S24°04'47"E A DISTANCE OF 43.97 FEET TO A POINT; THENCE BY LAND NOW OR FORMERLY OF HOOD BUSINESS PARK LLC ALONG THE FOLLOWING FOUR COURSES; S51°00'06"W A DISTANCE OF 259.17 FEET TO A POINT, THENCE S49°41'16"W A DISTANCE OF 322.29 FEET TO A POINT, THENCE S45°25'46"W A DISTANCE OF 170.84 FEET TO A POINT, THENCE S49°39'36"W A DISTANCE OF 94.19 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY BOSTON AND MAINE CORP. S24°13'40"W A DISTANCE OF 50.30 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF BOSTON SAND AND GRAVEL COMPANY ALONG THE FOLLOWING TWO COURSES; S59°18'29"W A DISTANCE OF 93.54 FEET TO A POINT, THENCE S31°52'49"W A DISTANCE OF 85.29 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY ALONG THE FOLLOWING TWO COURSES; S49°38'28"W A DISTANCE OF 108.47 FEET TO A POINT, THENCE BY A CURVE TO THE RIGHT HAVING A RADIUS OF 1951.00 FEET AND A LENGTH OF 84.20 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF EDWARD O. OWENS ALONG THE FOLLOWING TWO COURSES; N49°38'28"E A DISTANCE OF 282.75 FEET TO A POINT, THENCE N26°53'32"W A DISTANCE OF 18.56 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY N49°23'39"E A DISTANCE OF 646.86 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF RUTHERFORD REALTY TRUST N51°07'01"E A DISTANCE OF 197.58 FEET TO SAID POINT OF BEGINNING.

PARCEL B

THE LAND WITH THE IMPROVEMENTS THEREON IN BOSTON, SUFFOLK COUNTY, MASSACHUSETTS BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY SIDELINE OF THE BOSTON AND MAINE RAILROAD, MYSTIC BRANCH AND THE SOUTHWESTERLY SIDELINE OF MAIN STREET, SAID INTERSECTION BEING THE POINT OF BEGINNING;

THENCE ALONG SAID MAIN STREET S55°16'41"E A DISTANCE OF 40.79 FEET TO A POINT; THENCE BY LAND NOW OR FORMERLY OF THE TEAMSTERS UNION LOCAL 25 S49°38'28"W A DISTANCE OF 175.75 FEET TO A POINT ON THE EASTERLY SIDELINE OF RUTHERFORD AVENUE, THENCE ALONG SAID SIDELINE N24°09'25"W A DISTANCE OF 32.79 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF THE TEAMSTERS 25 REALTY INC. ALONG THE FOLLOWING FOUR COURSES; N32°51'28"E A DISTANCE OF 39.67 FEET TO A POINT, THENCE S57°08'32"E A DISTANCE OF 18.74 FEET TO A POINT, THENCE N49°38'28"E A DISTANCE OF 68.79 FEET TO A POINT, THENCE N31°28'13"E A DISTANCE OF 46.23 FEET TO THE POINT OF BEGINNING.

PARCEL C

THE LAND WITH THE IMPROVEMENTS THEREON IN BOSTON, SUFFOLK COUNTY, MASSACHUSETTS BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY SIDELINE OF THE BOSTON AND MAINE RAILROAD, MYSTIC BRANCH AND THE NORTHEASTERLY SIDELINE OF MAIN STREET, SAID INTERSECTION BEING THE POINT OF BEGINNING;

THENCE ALONG SAID MAIN STREET N55°50'49"W A DISTANCE OF 46.83 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF THE SCHRAFFT'S NOMINEE TRUST ALONG THE FOLLOWING FOUR COURSES; BY A CURVE TO THE RIGHT HAVING A RADIUS OF 914.45 FEET AND A LENGTH OF 302.95 FEET TO A POINT, THENCE N41°39'52"E A DISTANCE OF 36.74 FEET TO A POINT, THENCE BY A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A LENGTH OF 26.81 FEET TO A POINT, THENCE BY A CURVE TO THE RIGHT HAVING A RADIUS OF 938.45 FEET AND A LENGTH OF 531.82 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF 465 MEDFORD NOMINEE TRUST ALONG THE FOLLOWING FOUR COURSES; S40°26'04"W A DISTANCE OF 49.06 FEET TO A POINT, THENCE BY A CURVE TO THE RIGHT HAVING A RADIUS OF 894.45 FEET AND A LENGTH OF 246.75 FEET TO A POINT, THENCE S60°41'42"E A DISTANCE OF 310.92 FEET TO A POINT, THENCE N29°18'18"E A DISTANCE OF 5 FEET TO A POINT, THENCE BY THE LAND NOW OR FORMERLY OF 425 MEDFORD NOMINEE TRUST ALONG THE FOLLOWING THREE COURSES; S60°41'42"E A DISTANCE OF 744.71 FEET TO A POINT, THENCE S65°45'24"E A DISTANCE OF 71.69 FEET TO A POINT, THENCE N29°18'18"E A DISTANCE OF 15.67 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF THE MASSACHUSETTS PORT AUTHORITY S60°41'42"E A DISTANCE OF 332.26 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF THE MASSACHUSETTS PORT AUTHORITY, BLUE CIRCLE ATLANTIC, INC., AND CCC REALTY TRUST BY A CURVE TO THE LEFT HAVING A RADIUS OF 915.87 FEET AND A LENGTH OF 565.16 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY CCC REALTY TRUST ALONG THE FOLLOWING SIX COURSES; N72°12'13"E A DISTANCE OF 58.73 FEET TO A POINT, THENCE



S29°16'16"W A DISTANCE OF 10.75 FEET TO A POINT, THENCE BY A CURVE TO THE LEFT HAVING A RADIUS OF 914.12 FEET AND A LENGTH OF 181.38 FEET TO A POINT, THENCE N69°21'36"E A DISTANCE OF 65.17 FEET TO A POINT, THENCE BY A CURVE TO THE LEFT HAVING A RADIUS OF 192.39 AND A LENGTH OF 134.85 FEET TO A POINT, THENCE S61°48'27"E A DISTANCE OF 12.00 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF THE MASSACHUSETTS PORT AUTHORITY BY THE FOLLOWING FIVE COURSES; S28°07'05"W A DISTANCE OF 45.05 FEET TO A POINT, THENCE S56°11'42"W A DISTANCE OF 51.88 FEET TO A POINT, THENCE S28°21'08"E A DISTANCE OF 10.67 FEET TO A POINT, THENCE N63°38'02"E A DISTANCE OF 54.85 FEET TO A POINT, THENCE S19°38'57"E A DISTANCE OF 46.49 FEET TO A POINT ON THE NORTHERLY SIDELINE OF TERMINAL STREET, THENCE BY SAID SIDELINE ALONG THE FOLLOWING TWO COURSES; S70°21'03"W A DISTANCE OF 225.05 FEET TO A POINT, THENCE S29°16'16"W A DISTANCE OF 29.32 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF SUFFOLK/MEDFORD REALTY TRUST ALONG THE FOLLOWING TWO COURSES; BY A CURVE TO THE RIGHT HAVING A RADIUS OF 996.62 FEET AND A LENGTH OF 90.02 FEET TO A POINT, THENCE N11°02'25"W A DISTANCE OF 28.75 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY SUFFOLK/MEDFORD REALTY TRUST, BLUE CIRCLE ATLANTIC, INC. AND THE MASSACHUSETTS PORT AUTHORITY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 967.87 FEET AND A LENGTH OF 681.42 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF THE MASSACHUSETTS PORT AUTHORITY, 425 MEDFORD NOMINEE TRUST AND 465 MEDFORD NOMINEE TRUST N60°41'42"W A DISTANCE OF 1,459.30 FEET TO A POINT, THENCE BY LAND NOW OR FORMERLY OF 465 MEDFORD NOMINEE TRUST, WISE REALTY TRUST, LEON D. MATTEOSIAN, FIVE TWENTY-ONE REALTY TRUST, CA CUNNINGHAM REALTY TRUST AND THE CITY OF BOSTON BY A CURVE TO THE LEFT HAVING A RADIUS OF 869.45 FEET AND A LENGTH OF 1,041.72 FEET TO THE SAID POINT OF BEGINNING.

Included within the preceding description are the following Registered Land Parcels:

1. Those certain parcels of land situate in that part of Boston formerly Charlestown in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:  
Lot B on a subdivision plan No. 2158-B, drawn by Edw. S. Foster, surveyor for the Land Court, dated July 9, 1909, filed with certificate of title No. 2723; Lot B on a subdivision plan No. 1938-C, drawn by Edw. S. Foster, surveyor for the Land Court, dated July 9, 1909, filed with certificate of title No. 2558 and Lot B on a subdivision plan drawn by C. B. Humphrey, surveyor for the Land Court, dated December 7, 1912, filed with certificate of title No. 4950 excepting and excluding the parcel shown as Lot 5 on Plan No. 1938E as approved by the Land Court and filed with certificate of title no. 65509. For title references see Certificates of Title No. 28626, Book 139, Page 26; No. 28627, Book 139, Page 27 and No. 4950, Book 20, Page 150.
2. That certain parcel of land situate in that part of Boston formerly Charlestown in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:  
Southwesterly by Main Street, three and 52/100 (3.52) feet;  
Northerly by lot B<sup>7</sup> as shown on the plan first hereafter mentioned, sixteen and 36/100 (16.36) feet; and  
Southeasterly by land now or formerly of the Boston and Maine Railroad, fifteen and 72/100 (15.72) feet.  
Said land is shown as Lot B<sup>5</sup> on a subdivision plan drawn by H.S. Adams, C.E., dated July 28, 1920 as approved by the Court, filed in the Land Registration Office as plan no. 886<sup>E</sup>, a copy of a portion of which is filed with Certificate of Title No. 12734.  
Also another certain parcel of land situate in that part of Boston formerly Charlestown, bounded and described as follows:  
Northerly by lot B<sup>7</sup> as shown on the plan above mentioned, one hundred nineteen and 90/100 (119.90) feet;  
Southeasterly fifty-one and 52/100 (51.52) feet;  
Southwesterly eleven and 72/100 (11.72) feet;  
Southeasterly again thirty-nine and 04/100 (39.04) feet;  
Southerly twenty-one and 49/100 (21.49) feet; and  
Southwesterly twenty-one and 30/100 (21.30) feet, all by land now or formerly of the Boston and Maine Railroad.  
Said land is shown as Lot B<sup>6</sup> on said plan.  
Said lots B-5 and B-6 are subject to the easement set forth in the deed from Thomas Greenleaf to Stephen W. Fuller et al, dated June 1, 1870, duly recorded in Book 1101, Page 440, so far as in force and applicable.  
Also another certain parcel of land situate in that part of Boston formerly Charlestown, bounded and described as follows:  
Southerly by land now or formerly of the Boston and Maine Railroad, five hundred ninety-two and 49/100 (592.49) feet;  
Northwesterly by said Railroad land, forty-five and 90/100 (45.90) feet;  
Northerly eleven and 92/100 (11.92) feet;

Northwesterly thirty-six and 72/100 (36.72) feet, and  
Northerly five hundred fifty-nine and 32/100 (559.32) feet, all by land now or formerly  
of Lewis Kennedy Morse, Trustee; and  
Southeasterly by land now or formerly of Joseph E. Bartlett, forty-nine and 85/100  
(49.85) feet.

Said land is shown as Lot G on a subdivision plan drawn by E.D. Chapman, Engineer,  
dated June 1920, as approved by the Court, filed in the Land Registration Office as plan  
no 887<sup>D</sup>, a copy of a portion of which is filed with Certificate of Title No. 12734.  
Said lot G is subject to the reservations contained in deed from Lewis Kennedy Morse  
Trustee, to the Boston and Maine Railroad, dated February 24, 1921, filed and registered  
as Document No. 37468 as limited and defined therein, and so much of said lot G as is  
included within the limits of lot F as shown on plan filed with certificate of title No.  
2170, is subject to and has the benefit of the provisions of an agreement between Annie  
H. Tufts and the Merchants Terminal Company, dated November 24, 1916, filed and  
registered as Document No. 24579.

The above described parcels of land are to be held by said Railroad subject to the  
provisions of a certain mortgage dated December 1, 1919, given by said Railroad to the  
Old Colony Trust Company et al, as described in deed to said Railroad dated February  
24, 1921, filed and registered as Document No. 37468.

For title reference see Certificate of Title No. 12734, Book 59, Page 134.

3. Of that certain parcel of land situate in that part of Boston formerly Charlestown, in the  
County of Suffolk and Commonwealth of Massachusetts, bounded and described as  
follows:  
Southwesterly by the location of the Boston and Lowell Railroad Corporation, as shown  
on the plan hereinafter mentioned, one hundred fourteen and 74/100 (114.74) feet;  
Northwesterly by land now or formerly of Edith A. Richards, fourteen and 23/100  
(14.23) feet;  
Northeasterly by lot C as shown on said plan, one hundred fourteen and 85/100  
(114.85) feet; and  
Southeasterly by land now or formerly of Charles H. Burns, fourteen and 68/100 (14.68)  
feet.  
Said land is shown as lot B on a subdivision plan No. 2129-D, drawn by C.B.  
Humphrey, Surveyor for the Land Court, dated May 1, 1911, filed with certificate of  
title No. 3596.  
The above described land is subject to the provisions of an agreement by and between  
Albert Metcalf et al dated November 17, 1898, recorded with Suffolk Deeds Book 2567  
Page 551, so far as now in force and applicable, and subject also to the right to pass and  
repass over and across the above described land as reserved in deed from the Railroad  
Wharf and Storage Company to the Boston and Maine Railroad, dated April 29, 1911,  
filed and registered as Document No. 8472.  
For title reference see Certificate of Title No. 28628, Book 139, Page 28.

4. Of that certain parcel of land situate in that part of Boston formerly Charlestown, in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:  
Southerly by the northerly line of the location of the Boston and Lowell Railroad Corporation, eighty-four (84) feet;  
Northwesterly by lot B as shown on the plan hereinafter mentioned, one hundred thirty-six and  $48/100$  (136.48) feet; and  
Southeasterly by land now or formerly of the Boston and Lowell Railroad Corporation, fifty-nine and  $36/100$  (59.36) feet.  
Said land is shown as Lot A on a subdivision plan No. 1874-B, drawn by Edw. S. Foster, Surveyor for the Land Court, dated July 9, 1909, filed with certificate of title No. 2499.  
The above described land is subject to the condition that it shall be used by the Boston and Maine Railroad, its successors and assigns, for one or more railroad tracks leading to the Mystic Wharf terminal, so called, of said Railroad, and that at least one of said tracks shall be laid and used by said Railroad, its successors or assigns, before July 1, 1910, and subject also to the agreement set forth in deed from the Terminal Wharf and Railroad Warehouse Company to the Boston and Maine Railroad, registered as Document No. 5414.  
For title reference see Certificate of Title No. 28625, Book 139, Page 25.
5. Of that certain parcel of land situate in that part of Boston formerly Charlestown, in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:  
Southwesterly by the northeasterly line of the location of the Boston and Lowell Railroad Corporation, one hundred twenty-one and  $71/100$  (121.71) feet;  
Northwesterly by land now or formerly of Honora O'Riorden et al., twenty-seven (27) feet;  
Northeasterly by lot C as shown on the plan hereinafter mentioned, one hundred twenty-one and  $72/100$  (121.72) feet; and  
Southeasterly by land now or formerly of John Mulcahey, twenty-seven and  $5/100$  (27.05) feet.  
Said land is shown as lot B on a subdivision plan No. 1982-B, drawn by Edw. S. Foster, Surveyor for the Land Court, dated July 10, 1909, filed with certificate of title No. 2536.  
The above described land is subject to the condition that it shall be used by the Boston and Maine Railroad, its successors and assigns, for one or more railroad tracks leading to the Mystic Wharf terminal, so called, of said Railroad and that at least one of said tracks shall be laid and used by said Railroad, its successors or assigns, before July 1, 1910, and subject also to the right reserved in deed from Marion S. Bleakie to said Boston and Maine Railroad, registered as Document No. 5496.  
For title reference see Certificate of Title No. 28622, Book 139, Page 22.
6. Of that certain parcel of land situate in that part of Boston formerly Charlestown, in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:

Southwesterly by lot B as shown on the plan hereinafter mentioned, one hundred fourteen and 85/100 (114.85) feet;  
Northwesterly by land now or formerly of Edith A. Richards, thirteen and 22/100 (13.22) feet;  
Northeasterly by said land now or formerly of Richards and by lot D as shown on said plan, one hundred fourteen and 96/100 (114.96) feet; and  
Southeasterly by land now or formerly of Charles H. Burns, thirteen and 64/100 (13.64) feet.  
Said land is shown as lot C on a subdivision plan No. 2129-D, drawn by C. B. Humphrey, Surveyor for the Land Court, dated May 1, 1911, filed with certificate of title No. 3596.  
The above described land is subject to the provisions of an agreement by and between Albert Metcalf et al dated November 17, 1898, recorded with Suffolk Deeds Book 2567 page 551, so far as now in force and applicable, and subject also to the right to pass and repass over and across the above described land as reserved in deed from the Railroad Wharf and Storage Company to the Boston and Maine Railroad, dated April 29, 1911, filed and registered as Document No. 8471 and subject also to the agreement set forth in said deed.  
For title reference see Certificate of Title No. 28629, Book 139, Page 29.

7. Of that certain parcel of land situate in that part of Boston formerly Charlestown, in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:  
Southerly by the northerly line of the location of the Boston and Lowell Railroad Corporation, one hundred sixteen and 57/100 (116.57) feet;  
Northwesterly by land now or formerly of the Railroad Wharf and Storage Company, twenty-eight and 32/100 (28.32) feet;  
Northerly by lot E as shown on the plan hereinafter mentioned, one hundred seventeen and 11/100 (117.11) feet; and  
Southeasterly by lot G as shown on said plan, twenty-nine and 74/100 (29.74) feet.  
Said land is shown as lot D on a subdivision plan No. 2007-B, 2008-B drawn by Edw. S. Foster, Surveyor for the Land Court, dated July 10, 1909, filed with certificate of title No. 2500.  
The above described land is subject to and has the benefit of the provisions of an agreement by and between Albert Metcalf et al dated November 17, 1898, recorded with Suffolk Deeds Book 2567, Page 551, so far as now in force and applicable and subject also to the condition that said land shall be used by the Boston and Maine Railroad its successors and assigns, for one or more railroad tracks leading to the Mystic Wharf terminal, so called, of said Railroad, and that at least one of said tracks shall be laid and used by said Railroad, its successors or assigns, before July 1, 1910, and subject also to the rights and agreements set forth in deed from Sarah N. Burns et al to said Boston and Maine Railroad, dated January 19, 1910, registered as Document No. 6254.  
For title reference see Certificate of Title No. 28623, Book 139, Page 23.

8. Of that certain parcel of land situate in that part of Boston formerly Charlestown, in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:

Southerly by the northerly line of the location of the Boston and Lowell Railroad Corporation, two hundred nine and 41/100 (209.41) feet;

Northwesterly by land now or formerly of Charles H. Burns, twenty-nine and 74/100 (29.74) feet;

Northerly by lot H as shown on the plan hereinafter mentioned, on two lines, one hundred sixty-one and 73/100 (161.73) feet and fifty-eight and 73/100 (58.73) feet respectively; and

Southeasterly by land now or formerly of Francis W. Lawrence et al and land now or formerly of the Boston and Maine Railroad, forty-seven and 16/100 (47.16) feet.

Said land is shown as lot G on a subdivision plan No. 2007-B, 2008-B drawn by Edw. S. Foster, Surveyor for the Land Court, dated July 10, 1909, filed with certificate of title No. 2500.

The above described land is subject to the condition that it shall be used by the Boston and Maine Railroad, its successors and assigns, for one or more railroad tracks leading to the Mystic Wharf terminal, so called, of said Railroad, and that at least one of said tracks shall be laid and used by said Railroad, its successors or assigns, before July 1, 1910 and subject also to the rights and agreement set forth in deed from John B. Bugbee to said Boston and Maine Railroad, registered as Document No. 5417.

For title reference see Certificate of Title No. 28624, Book 139, Page 24.

**EXHIBIT "B"**  
**DESCRIPTION OF THE RAIL FACILITIES**  
**MYSTIC WHARF BRANCH**

- **Rail:**  
7,412 feet                      70%-100#    15%-115#    15%-131#
- **Tie Plates:**  
12,723 each
- **Joint Bars:**  
398 pair
- **Rail Anchors:**  
6,100 each
- **Track Spikes:**  
37,250 each
- **Cross Ties:**  
2,695 each
- **Switch Timber:**  
340 each
- **Turnouts:**  
6 Packages
- **Signal Apparatus:**  
3 Public rail / highway at-grade crossing packages  
7 Private rail / highway at-grade crossing packages

and all other personalty included in the Mystic Wharf Branch Line Boston and Charlestown,  
Suffolk County, Massachusetts